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UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

2019 NOV 19 P 4:00

IN RE APPLICATION OF THE
UNITED STATES OF AMERICA FOR
AN ORDER PURSUANT TO
18 U.S.C. § 2703(d)

MISC. NO. 1:19-mc-47-AJ

Filed Under Seal

APPLICATION OF THE UNITED STATES
FOR AN ORDER PURSUANT TO 18 U.S.C. § 2703(d)

The United States of America, moving by and through its undersigned counsel, respectfully submits under seal this *ex parte* application for an Order pursuant to 18 U.S.C. § 2703(d). The proposed Order would require Google, LLC an Internet Service Provider located in Mountain View, CA, to disclose certain records and other information pertaining to the email accounts described in Part I of Attachment A. The records and other information to be disclosed are described in Part II of Attachment A to the proposed Order. In support of this application, the United States asserts:

LEGAL BACKGROUND

1. Google is a provider of an electronic communications service, as defined in 18 U.S.C. § 2510(15), and/or a remote computing service, as defined in 18 U.S.C. § 2711(2). Accordingly, the United States may use a court order issued under § 2703(d) to require Google to disclose the items described in Part II of Attachment A. See 18 U.S.C. § 2703(c)(1) (Part II of Attachment A).

2. This Court has jurisdiction to issue the proposed Order because it is “a court of competent jurisdiction,” as defined in 18 U.S.C. § 2711. *See* 18 U.S.C. § 2703(d). Specifically,

the Court is a district court of the United States that has jurisdiction over the offense being investigated. *See* 18 U.S.C. § 2711(3)(A)(i).

3. A court order under § 2703(d) “shall issue only if the governmental entity offers specific and articulable facts showing that there are reasonable grounds to believe that the contents of a wire or electronic communication, or the records or other information sought, are relevant and material to an ongoing criminal investigation.” 18 U.S.C. § 2703(d). Accordingly, the next section of this application sets forth specific and articulable facts showing that there are reasonable grounds to believe that the records and other information described in Part II of Attachment A are relevant and material to an ongoing criminal investigation.

THE RELEVANT FACTS

4. The United States is investigating wire fraud. The investigation concerns possible violations of 18 U.S.C. § 1343 (Fraud by wire, radio, or television). The investigation has revealed, in essence, that the defendant, Imran Alrai, orchestrated and executed a scheme to defraud Org1 and Corp1 by causing those entities to pay, collectively, millions of dollars to companies created and secretly controlled by Alrai for services those companies did not perform or were overbilled. Alrai then laundered some of the money through a bank account he opened in Pakistan. Evidence gathered to date indicates that emails in furtherance of the scheme were sent from Alrai’s home in Windham, New Hampshire to UWMB email accounts, which were hosted by Google. A search of public records indicates that Google does not have any servers or data centers in Massachusetts or New Hampshire. Among other things, information regarding the location of Google’s servers and data centers is relevant to demonstrating emails in furtherance of the fraud were sent via an interstate wire transmission. On March 6, 2019, a federal grand jury returned a 53 count superseding indictment charging Alrai with wire fraud,

money laundering, transportation of stolen money, aggravated identity theft, and failure to file FBARs. Trial is scheduled to begin on December 2, 2109.

REQUEST FOR ORDER

5. The facts set forth in the previous section show that there are reasonable grounds to believe that the records and other information described in Part II of Attachment A are relevant and material to an ongoing criminal investigation. Specifically, these items will help the United States to confirm the identity and location of the the individual(s) who are responsible for the events described above, and to determine the nature and scope of their activities. Accordingly, the United States requests that Google LLC be directed to produce all items described in Part II of Attachment A to the proposed Order.

Respectfully submitted,

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18 U.S.C. § 2703(d))
_____)

MISC. NO. 1:19-mc-47-AJ

ORDER

The United States has submitted an application pursuant to 18 U.S.C. § 2703(d), requesting that the Court issue an Order requiring Google, LLC, an electronic communications service provider and/or a remote computing service located in Mountain View, CA, to disclose the records and other information described in Attachment A to this Order.

The Court finds that the United States has offered specific and articulable facts showing that there are reasonable grounds to believe that the records or other information sought, which include the contents of communications and other stored files, are relevant and material to an ongoing criminal investigation.

IT IS THEREFORE ORDERED, pursuant to 18 U.S.C. § 2703(d), that Google LLC shall, within ten days of the date of this Order, disclose to the United States the records and other information described in Attachment A to this Order.

United States Magistrate Judge

Date

ATTACHMENT A

I. The Account(s)

The Order applies to certain records and information associated with the email account ialrai@supportunitedway.org, hosted on Google servers.

II. Records and Other Information to Be Disclosed

Google is required to disclose the following records and other information, if available, to the United States for the time period of **April 1, 2012 to June 12, 2018**: documents sufficient to show the location(s) of servers and/or data centers that hosted google accounts and emails for ialrai@supportunitedway.org.

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC
RECORDS PURSUANT TO FEDERAL RULES OF
EVIDENCE 902(11) AND 902(13)**

I, _____, attest, under penalties of perjury by the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this certification is true and correct. I am employed by Google LLC, and my title is _____ . I am qualified to authenticate the records attached hereto because I am familiar with how the records were created, managed, stored, and retrieved. I state that the records attached hereto are true duplicates of the original records in the custody of Google LLC. The attached records consist of _____ [generally describe records (pages/CDs/megabytes)]. I further state that:

a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth by, or from information transmitted by, a person with knowledge of those matters, they were kept in the ordinary course of the regularly conducted business activity of Google LLC, and they were made by Google LLC as a regular practice; and

b. such records were generated by an electronic process or system of Google LLC that produces an accurate result, to wit:

1. the records were copied from electronic device(s), storage medium(s), or file(s) in the custody of Google LLC in a manner to ensure that they are true duplicates of the original records; and

2. the process or system is regularly verified by Google LLC, and at all times pertinent to the records certified here the process and system functioned properly and normally.

I further state that this certification is intended to satisfy Rules 902(11) and 902(13) of the Federal Rules of Evidence.

Date

Signature